

§ 918.82

in the production area, except that termination of this part shall be effective only if announced on or before the last day of the then current fiscal period.

(e) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

[42 FR 40885, Aug. 12, 1977, as amended at 55 FR 1382, Jan. 16, 1990; 55 FR 7289, Mar. 1, 1990]

§ 918.82 Proceedings after termination.

(a) Upon the termination of the provisions of this subpart, the then functioning members of the Industry Committee shall continue as trustees, for the purpose of liquidating the affairs of the said committee, of all the funds and property then in the possession of or under control of such committee, including claims for any funds unpaid or property not delivered at the time of such termination. The procedural rules governing the activities of said trustees, including but not being limited to the determination as to whether action shall be taken by a majority vote of the trustees, shall be prescribed by the Secretary.

(b) The said trustees shall continue in such capacity until discharged by the Secretary; and shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the Industry Committee and of the trustees, to such person as the Secretary may direct; and shall, upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person the right to all of the funds, property, and claims vested in the committee or the trustees pursuant to this part.

(c) Any person to whom funds, property, or claims have been transferred or delivered by the Industry Committee or its members, pursuant to this section shall be subject to the same obligations imposed upon the members of said committee and upon the said trustees.

(d) Any funds collected for expenses pursuant to the provisions of this part and held by such trustees or such other person, over and above amounts necessary to meet outstanding obligations and the expenses incurred necessarily

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by the trustees or such other person in the performance of their duties hereunder, shall, as soon as practicable after the termination of this subpart, be returned to the handlers pro rata in proportion to their contributions made pursuant to § 918.41.

MISCELLANEOUS PROVISIONS

§ 918.85 Right of the Secretary.

The members of the Industry Committee, including successors and alternates thereof, and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension at any time by the Secretary. Each and every order, regulation, determination, decision or other act of each committee provided for in this part shall be subject to the continuing right of the Secretary to disapprove of such order, regulation, decision, determination, or other act, and upon such disapproval, at any time, such action by a committee shall be deemed null and void except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 918.86 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this part shall cease upon the termination hereof, except with respect to acts done under and during the existence of this subpart.

§ 918.87 Agents.

The Secretary may, by designation in writing, name any person, including any officer or employee of the Government, or name any bureau or division in the United States Department of Agriculture to act as his agent or representative in connection with any of the provisions of this part.

§ 918.88 Derogation.

Nothing contained in this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 918.89 Personal liability.

No member or alternate of said Industry Committee, nor any employee thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, or employee, except for acts of dishonesty.

§ 918.90 Separability.

If any provision of this part is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this part, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

§ 918.91 Amendments.

Amendments to this subpart may be proposed, from time to time, by the Industry Committee or by the Secretary.

§ 918.92 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant thereto, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen prior thereto, or (b) release or extinguish any violation of this subpart or of any regulation issued hereunder, or (c) affect or impair any right or remedy of the United States, or of the Secretary or of any other person with respect to any such violation.

Subpart—Industry Committee Regulations

SOURCE: 16 FR 3402, Apr. 19, 1951, unless otherwise noted. Redesignated at 26 FR 12751, Dec. 30, 1961.

DEFINITIONS

§ 918.100 Terms.

Terms used in this subpart shall have the same meaning as when used in the marketing agreement and order (§§ 918.1 to 918.92).

§ 918.101 Order.

Order means Order No. 918, as amended (§§ 918.1 to 918.92), regulating the handling of fresh peaches grown in the State of Georgia.

§ 918.102 Marketing agreement.

Marketing agreement means Marketing Agreement No. 99, as amended, regulating the handling of fresh peaches grown in the State of Georgia.

§ 918.103 Adjacent market peaches.

Adjacent market peaches means peaches which, in accordance with a regulation issued pursuant to § 918.60(b), are permitted to be shipped only to destinations in adjacent markets.

COMMUNICATIONS AND NOTICES

§ 918.105 Communications.

Unless otherwise provided in the marketing agreement and order or by specific direction of the Industry Committee, all communications (including, but not being limited to, reports, applications, submittals, and requests) in connection with the marketing agreement and order shall be addressed to Industry Committee, P.O. Box 1239, Macon, Georgia.

§ 918.106 Notices.

The following newspapers are designated for the giving of notice as required by the marketing agreement and order §§ 918.1 to 918.92:

Atlanta Journal, Atlanta, Ga.
Macon Telegraph, Macon, Ga.

[19 FR 3644, June 19, 1954. Redesignated at 26 FR 12751, Dec. 30, 1961]

ADMINISTRATIVE BODY

§ 918.112 Qualification requirements and nomination procedure for public members of the Industry Committee.

(a) Public members shall not have a financial interest in or be associated with the production, processing, financing, or marketing (except as consumers) of Georgia peaches.

(b) Public members should be able to devote sufficient time and express a willingness to attend committee activities regularly, and become familiar